

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
WASHINGTON, D.C.**

GENERAL MOTORS, LLC

Respondent

and

CASE 07-CA-053570

MICHAEL ANTHONY HENSON, An Individual

Charging Party

**MOTION OF COUNSEL FOR THE ACTING GENERAL COUNSEL
TO STRIKE PORTIONS OF RESPONDENT'S
BRIEF IN SUPPORT OF ITS EXCEPTIONS**

On August 22, 2012, at 11:55 p.m., Respondent General Motors, LLC (GM) electronically served on the undersigned its exceptions to the Administrative Law Judge's decision and a brief in support of the exceptions.

GM's brief is riddled with factual assertions and allusions to extra-record material that were never elicited in testimony or encompassed by admitted exhibits. Such references are outside the official record of this case. Board's Rules and Regulations, §102.45(b).

The sections outside the record are as follows:

Pages	Lines	Words
8	10-11	anti-harassment policies, anti-discrimination policies, workplace violence policies
9	12	export control requirements (laws prohibiting trade with certain countries)
9	13	publicity laws, and to protect inventions, marketing strategies

Pages	Lines	Words
20	fn.8	GM Secret, Confidential, and Attorney-Client Privileged information are defined terms in GM's policy on information management, and employees receive training on handling such information.
21	2-5	GM's employees are aware of related policies respecting the protection of GM's prototype vehicles, and information that GM is legally charged with protecting (e.g., social security numbers, undisclosed financial information, and medical information)

If GM wanted the judge, Board, and courts to evaluate the Social Media Policy rules challenged in the case at bar within the context of its other internal policies, and training that employees allegedly receive regarding such policies, GM had the burden to adduce such evidence. It did not. Its interweaving references to policies and training that were not broached by any witness, nor sought to be introduced by any party, confuses the official record and prejudices the other parties.

Accordingly, pursuant to §102.24(a) of the Board's Rules and Regulations, the undersigned moves to strike the above-noted portions of GM's August 22 brief. *Southern Mail, Inc.*, 345 NLRB 644 fn. 2 (2005); *North Hills Office Services*, 342 NLRB 437 fn. 1 (2004); *Adco Electric, Inc.*, 307 NLRB 1113 fn. 1 (1992), enfd. 6 F.3d 1110 (5th Cir. 1993); *Weldment Corp.*, 275 NLRB 1432 fn. 1 (1985); *Today's Man*, 263 NLRB 332, 333 (1982).



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Dated: September 7, 2012

CERTIFICATE OF SERVICE

I certify that on September 7, 2012, I caused copies of Motion of Counsel for the Acting General Counsel to Strike Portions of Respondent's Brief in Support of its Exceptions, in *General Motors, LLC, Case 7-CA-53570*, to be served upon all parties of record, by electronic transmission, as follows:

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